

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

HUNTINGTON

HEATHER ENGLISH BRYANT,

Plaintiff,

v.

CIVIL ACTION NO. 3:04-1249

JOANNE BARNHART,
Commissioner of Social Security,

Defendant.

FINDINGS AND RECOMMENDATION

This is an action seeking review of the final decision of the Commissioner of Social Security denying the plaintiff's application for childhood disability insurance benefits and supplemental security income based on disability. 42 U.S.C. §§405(g) and 1383(c)(3). On October 11, 2005, an order was entered informing counsel for plaintiff that this case would be dismissed in accordance with L.R.Civ.P. 8.01 unless she filed her motion for judgment on the pleadings and supporting memorandum within thirty days from the date of entry of the order or good cause was shown for non-dismissal. Counsel for plaintiff has failed to comply with the directives of that order.

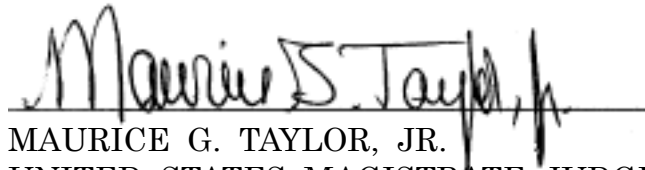
Good cause appearing to the Court, it is hereby **RESPECTFULLY RECOMMENDED** that this case be dismissed and retired from the Court's docket..

Plaintiff and defendant are hereby notified that a copy of these Findings and Recommendation will be submitted to the Honorable Robert C. Chambers, United States District Judge, and that, in accordance with the provisions of Rule 72(b), Fed.R.Civ.P., the parties may,

within thirteen days of the date of filing these Findings and Recommendation, serve and file written objections with the Clerk of this Court, identifying the portions of the Findings and Recommendation to which objection is made and the basis for such objection. The judge will make a de novo determination of those portions of the Findings and Recommendation to which objection is made in accordance with the provisions of 28 U.S.C. §636(b) and the parties are advised that failure to file timely objections will result in a waiver of their right to appeal from a judgment of the district court based on such Findings and Recommendation. Copies of objections shall be served on all parties with copies of the same to Judge Chambers and this Magistrate Judge.

The Clerk is directed to file these Findings and Recommendation and to mail a copy of the same to plaintiff and all counsel of record.

DATED: November 29, 2005

A handwritten signature in black ink, reading "Maurice G. Taylor, Jr.", is written over a horizontal line. The signature is cursive and includes a small flourish at the end.

MAURICE G. TAYLOR, JR.
UNITED STATES MAGISTRATE JUDGE